



Venice of America

CITY OF

FORT LAUDERDALE

**AVIATION ADVISORY BOARD
FORT LAUDERDALE EXECUTIVE AIRPORT
ADMINISTRATIVE OFFICE - MULTIPURPOSE ROOM
6000 NW 21 AVENUE, FORT LAUDERDALE, FL
THURSDAY, JUNE 25, 2009 1:30 P.M.**

Board Members	Attendance	Cumulative Attendance 7/08 through 6/09	
		Present	Absent
Bunney Brenneman, Chair [arrived 2:25]	P	9	0
Joseph Scerbo, Vice Chair	A	6	3
Lee Alexander	P	7	2
Michael Dunbar [arrived 1:55]	P	6	3
Lloyd Evanson	P	7	2
Linda Iversen	A	7	2
Johnnie Riles	A	5	2
Deborah VanValkenburgh	P	7	2
David Rosendahl, Tamarac [non-voting]	P	3	1

(Four Board members constitutes a quorum)

Airport/City Staff

Clara Bennett, Airport Manager
Mark Cervasio, Assistant Airport Manager
Florence Straugh, Noise Abatement Officer
Rufus A. James, Airport Operations Supervisor
Fernando Blanco, Airport Engineer
Leslie Carhart, Administrative Assistant
Debra Donato, Administrative Assistant
Sharon Dreesen, Airport Administrative Aide
James Foster, Airport Program Aide
Sharon Miller, Assistant City Attorney
J. Opperlee, Recording Secretary, Prototype Services

Communications to the City Commission

- The Board wanted the City Commission to be aware of the outstanding work being done by the Noise Abatement Office.

FORT LAUDERDALE EXECUTIVE AIRPORT
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Call to Order

Chair Brenneman and Vice Chair Scerbo were both unable to attend the meeting.

The meeting was called to order at 1:36 p.m.

Motion made by Ms. VanValkenburgh, seconded by Mr. Evanson, for Dr. Alexander to serve as temporary Chair for this meeting. In a voice vote, motion passed unanimously.

Board members, City staff and guests introduced themselves in turn.

The Board heard Update Items while waiting for a quorum.

1. Approve Minutes of May 2009 Meeting

[Mr. Dunbar arrived at 1:55 and the Board had a quorum]

Motion made by Ms. VanValkenburgh, seconded by Mr. Evanson, to approve the minutes of the Board's May 2009 meeting as presented. In a voice vote, motion passed unanimously.

2. Southern Facilities Development Leases for Industrial Airpark Parcels B, C, and D

Ms. Bennett reminded the Board that this related to when the original leases were executed by an Option Agreement with Southern Facilities Development (SFD) in 1998. Ms. Bennett stated this was a creative arrangement the City had entered into to allow for the development of five parcels totaling approximately 50 acres. The concept was that on the anniversary date each year, the developer would have the opportunity to execute one of the leases or to turn it back in and continue to renew the remaining option parcels. The developer had done this; all five option parcels had been leased and two of the parcels had been developed.

Ms. Bennett stated they were aware that the remaining three parcels would take time to develop because they had natural resource area and wetlands designations that required additional levels of permitting and approvals. The original leases included provisions for credits for the mitigation costs.

Ms. Bennett said they had anticipated that these processes would take additional time, but it had taken longer than expected. In 2003 they had executed a first amendment to the original leases that allowed for an additional rent abatement

period in the event Broward County denied the permit applications and the developer instituted administrative action against the County for failure to issue the permits. This had occurred, and the additional rent abatement period became effective on October 1, 2003. The terms specified that once the permits were issued and all issues were resolved, new rent would begin and back rent, minus all eligible credits, would be repaid.

Ms. Bennett stated SFD, subject to the approval of the City, had agreed to enter into mitigation agreements and conservation easements for the parcels. On Parcel B, the conservation easements would total 2.85 acres, and on Parcel D the conservation easements would total 2.6 acres, allowing the remaining acreage to be developed. Parcel C could be developed in its entirety. In addition, SFD had agreed to provide off-site mitigation for the parcels on an 11-acre parcel in Mills Pond Park. Ms. Bennett added that the FAA would need to agree to the conservation easement because this was federally-deeded property. The agreement also called for perpetual maintenance of the conservation easement areas and the Mills Pond Park site.

Ms. Bennett explained that upon execution of all agreements and permits, SFD could choose which parcel to develop first and the new monthly rent on that parcel would begin 18 months after the effective date of the second amendment. Rent for the second parcel would begin within 24 months, and rent for the third parcel would begin within 30 months.

Ms. Bennett informed the Board that total abated rent was now \$3.7 million. In accordance with the terms of the lease, they had negotiated total rent credits for eligible expenses related to the mitigation plan and a rent reduction for the conservation areas totaling \$2,605,134.64. The \$1,101,546.11 balance of the abated rent would be divided equally among the three parcels and would be paid back at the following rate: 25% at the restart of the monthly rent for each parcel; 25% at issuance of a building permit for each parcel; and 50% at issuance of a certificate of occupancy for each parcel.

Ms. Bennett noted the conservation easements and second amendment to the lease were subject to FAA approval.

Staff Recommendation

We recommend execution of the following agreements related to the Leases with Southern Facilities Development for Parcels B, C and D:

1. A Second Amendment to the Parcel B, C, and D Leases providing for the repayment of abated rent less rent credits totaling \$1,101,546.11; establishing a schedule for rent commencement; and establishing a schedule for completing the construction;

2. A Permit Agreement providing a schedule for the completion and submittal of the proposed development and mitigation plan, City permits, financial assurances, and execution of all development agreements;
3. A Mills Pond Park Tri-Party Agreement providing for the planting of approved vegetation in the wetlands; and
4. A Conservation Easements for 2.85 acres on Parcel B and 2.6 acres on Parcel D to be conveyed by the City and SFD to Broward County.

Ms. VanValkenburgh asked who was financially responsible for perpetual care. Ms. Bennett explained that the Mills Pond agreement and the two conservation easements provided for a fund to be established by SFD if the County required, that would be used for ongoing maintenance.

Motion made by Ms. VanValkenburgh, seconded by Mr. Dunbar, to approve the staff recommendation. In a voice vote, motion passed unanimously.

3. Taxiway Alpha Relocation – Project 10802 - Partial Adjusting Change Order No. 2 – Ranger Construction – South

Mr. Blanco reported that Ranger Construction South had completed work on the east section of Taxiway Alpha between Runway 13-31 and Taxiway Charlie, along with the east run-up area. Mr. Blanco stated this change order provided for adjustments to contract quantities for the these phases based on as-built information provided by the contractor and verified by City inspection personnel and the Airport's consultant. He explained there had been a quantity overrun on the subgrade stabilization and lime rock items for the east phase due to a calculation error at the time the plans were being finalized to meet the FAA's accelerated grant deadline for this project.

Mr. Blanco said the change order total was a credit of \$343,420.44.

Staff Recommendation

The staff recommends approval of partial adjusting Change Order No. 2 with Ranger Construction – South in the amount of \$343,420.44 (credit).

Motion made by Ms. VanValkenburgh, seconded by Mr. Evanson, to approve the staff recommendation. In a voice vote, motion passed unanimously.

4. Taxiway Bravo Pavement Rehabilitation & Improve Taxiway Connectors – Project 11134 – Construction Support/Inspection Services - Kimley Horn and Associates, Inc. - Task Order No.1

Mr. Blanco reported staff had negotiated a Task Order with Kimley-Horn and Associates, Inc. to provide construction oversight and support services for the Taxiway Bravo project. This would entail weekly construction meetings, site inspections, review and approval of change orders and shop drawings, monitoring and testing of asphalt paving, and conducting electrical site inspections.

Mr. Blanco stated funds for the task order were available from the Airport's approved Capital Improvement Plan and from a grant from the Florida Department of Transportation for reimbursement of 80% of eligible project costs.

Staff Recommendation

The staff recommends approval of Task Order No.1 with Kimley-Horn and Associates, Inc. for construction support/inspection services for the Taxiway Bravo project in the amount of \$267,710.

Motion made by Ms. VanValkenburgh, seconded by Mr. Dunbar, to approve the staff recommendation. In a voice vote, motion passed unanimously.

5. Conduct EA for Runway 08 I-95 Departures – Project 11320 – Task Order No. 39 Amendment No. 1 – Fund Transfer – Kimley-Horn & Associates, Inc.

[Chair Brenneman arrived at 2:25]

Ms. Straugh reminded the Board that In August 2007, the City had initiated a task order to conduct a Scoping Element for a proposed National Environmental Policy Act (NEPA) Environmental Assessment (EA) to expand the hours of the Runway 08, I-95 Departure Turn. There was overwhelming public support for expansion of the hours, and upon the completion of the scoping element, the City had proceeded with the EA in Summer 2008.

Ms. Straugh explained that this Task Order amendment was to provide an extended study period for completion of the EA. The extension was needed because of the delays in receiving the internal draft EA, to allow for a reasonable, but uncertain, timeframe for the review process with the FAA and to provide for additional internal review by City staff.

Ms. Straugh stated the amount of the Task Order was \$9,920.00 and staff was requesting approval to transfer the funds from P10770-Noise Mitigation Options to P11320-FXE Scoping Element Runway 08/I-95.

Staff Recommendation

The staff recommends approval to transfer funds from Project 10770 to Project

11320, in the amount of \$9,920.00, to provide for an extended study period for completion of the Environmental Assessment for Runway 08 I-95 Departures.

Motion made by Mr. Evanson, seconded by Ms. VanValkenburgh, to approve the staff recommendation. In a voice vote, motion passed unanimously.

WALK-ON ITEM

6. Security Improvements – Project 10965 – Change Order No. 3 – Acupower, Inc.

Mr. Blanco informed the Board that the contractor, Acupower, Inc., had completed approximately 60% of the installation of cameras, gates, alarm devices, servers, and display monitors on this project.

The change order provided for the following items:

1 - Installation of an LED obstruction light, including trenching, hand excavation, conduit and cable, to the camera pole located at the Sheltair Executive South Facility, Parcel 22. The LED light would assist pilots in identifying the camera pole at this location due to its' proximity to the aircraft apron. The cost for this work was \$3,507.43.

2 - Installation of two (2) additional pedestrian gates and wireless transmitters, with proximity sensors for each added gate. City added the gates as a field directive due to changes in tenant improvements and relocation during the bidding process. The cost for providing the additional gates was \$9,480.00.

3 - Adjustment to the underground conduit items to reflect actual installation. The original plans called for installing 4" conduit under asphalt pavement by trenching as well as directional boring. Once construction started it was determined that trenching would be more disruptive to tenant operations and would involve replacing existing gate loops. Therefore, the contractor was directed by the City to utilize the directional boring in lieu of trenching. This directive resulted in a credit of \$364.00.

Mr. Blanco stated the total cost for the above items was \$12,623.43. The contractor was also requesting an additional 32 days for manufacturing and installing the pedestrian gates and installation of the obstruction light. Staff had reviewed the proposed change order and found the cost reasonable. Mr. Blanco said funding for this change order was available through a grant from the Florida Department of Transportation for reimbursement of 100% of eligible project costs.

Staff Recommendation

The staff recommends approval of Change Order No. 03 with Acupower, Inc., in the amount of \$12,623.43 for the installation of additional pedestrian gates, obstruction light, adjustment to boring quantities, and an additional 32-day time extension.

Motion made by Ms. Brenneman, seconded by Mr. Dunbar, to approve the staff recommendation. In a voice vote, motion passed unanimously.

UPDATE ITEMS

A. Noise Compatibility Program and Presentation

[This item was heard out of order]

Noise Abatement Workshop for Propeller Pilots

Mr. Foster informed the Board that the Noise Abatement Office was planning a workshop for propeller pilots on Thursday, July 23, 2009. The workshop would discuss noise abatement measures and other methods to help reduce noise over residential areas as well as pilot safety tips.

Decrease in Operations

Mr. Foster stated that according to the FAA, the total operations for the Airport for the first four months of 2009 were 23% less than the same period last year. The Airport's monitoring system showed that jet departures for the month of May 2009 were down 9% from the previous month, and there had been an 80% drop in the number of propeller aircraft reported.

Nighttime and I-95 Turn:

Mr. Foster reported that for May 2009, there was one noise event over 80 dB at night between 10:00 p.m. and 7:00 a.m. and 47 jets had flown the I-95 Turn with three being stage 2 aircraft. There were five nighttime straight-out departures; four were air ambulance flights.

Noise Abatement Program Statistics

Noise Abatement Program statistics for May 2009 were included in the Board's packet.

B. Development and Construction

[This item was heard out of order]

Taxiway Alpha Relocation Project # 10802

Mr. James reported the Taxiway Alpha project was scheduled for completion on July 14. On June 9, 2009 a walkthrough inspection was conducted and a punch list of completion items was prepared. The contractor was in the final phase of construction and completing preparations to lay asphalt the week of June 22nd. Mr. James agreed to continue to provide the Board with updates.

Airport Security Improvements Project #10965

Mr. James informed the Board that Acupower had completed the installation of equipment in the security room that would control the new cameras and gate monitoring devices. The installation of cameras was nearly complete. He agreed to continue to provide the Board with updates on the progress of this project.

C. Arrearages

Rent

Ms. Donato reported that KSR, LLC had not paid the May rent for Parcel 8G. A default letter had been issued and they would have thirty days to cure the default.

Fuel Flowage

There were no fuel flowage arrearages to report.

D. FLL Update

None

E. Communications to the City Commission

[This item was heard out of order]

Ms. VanValkenburgh congratulated the Noise Abatement Office on the reduction of calls to the noise hotline this month.

Ms. Bennett explained that a vote was not needed to include an item under Communication to the City Commission, only Board consensus.

Chair Brenneman believed the City Commission was looking for "resolutions that are passed by the Board and recommendations of sufficient import that they would rise to the level of this kind of a communication directly to the Commission to be put at the beginning of the minutes."

Motion made by Ms. VanValkenburgh, seconded by Mr. Evanson, to make the City Commission aware of the outstanding work being done by the Noise Abatement Office. In a voice vote, motion passed unanimously.

Other items and announcements

Ms. Bennett drew the Board's attention to a reprint of an article from Aviation Business Journal on Banyan Air Service that had been distributed. The Board had also been given reprints of an article from South Florida Business Aviation regarding FXE.

Ms. Bennett informed the Board that Mr. Riles' father had recently passed away and a card was being circulated for Board members to sign.

Dr. Alexander asked Ms. Bennett what had become of the Foreign Trade Zone. Ms. Bennett stated there was still one active operator: Wärtsilä North America, a ship and power plant engine manufacturer. Wärtsilä North America operates a service and warehousing facility.

Ms. Bennett said she was looking forward to working with the Economic Development Department to promote the Foreign Trade Zone. She explained there must be at least one activated user to maintain the Free Trade Zone. Ms. Bennett explained that at the County Foreign Trade Zone at Port Everglades, the County was the operator; it rented out warehouse space and all customs interactions must be through the County. At FXE, they used an Open Zone concept, entering into operator agreements with the actual warehouse operators.

Mr. Evanson asked for an update on the Baltimore Orioles. Ms. Bennett said a month ago the City Commission had approved an extension of time to exercise their option for next season. They now had until October 30 to indicate whether they would return for Spring Training in the 2010 season. Staff had met to discuss how to approach the FAA regarding their requirement for fair market value for the 30-year agreement. To date, there had been no further developments.

Chair Brenneman announced that she was leaving the Board as her term limit had been reached. Chair Brenneman thanked her fellow Board members and staff for their cooperation and friendship. Dr. Alexander thanked Chair Brenneman for her service to the Board.

There being no further business before the Board, the meeting adjourned at 2:45 p.m.

- Next scheduled meeting date: Thursday – August 27, 2009 – 1:30 PM


Bunney Brenneman, Chair

PLEASE NOTE:

If any persons decide to appeal any decision made with respect to any matter considered at this public meeting or hearing, he/she will need a record of the proceedings and, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.